



**DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

5720
PERS 00J6/20190663
September 11, 2019

Mr. Matthew Manuel Rosario
2000 Navy Pentagon
Washington, DC 20305

Dear Mr. Rosario:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT (FOIA) REQUEST

This is in response to your Freedom of Information Act (FOIA) request of September 10, 2019. You seek a copy of non-judicial punishment (NJP) results for all proceedings held by Captain Bryan Durkee throughout his career. This command received your request on September 10, 2019. Your FOIA request number is 2019-011078 and FOIA correspondence number is 20190663.

This command maintains Official Military Personnel Files (OMPFs) for individual Sailors in the Navy Electronic Military Personnel System (EMPRS). Only an individual's name or social security number allows retrieval and search of an OMPF. As such, we cannot identify responsive NJP documents contained within the OMPFs of individual Sailors by the criteria you have provided to us. Non-judicial punishment (NJP) documentation pertaining to other Sailors would be exempt from disclosure under FOIA exemption 6 due to consideration of their personal privacy even if we could identify such documentation within applicable OMPFs.

If you believe an adequate search of this command's records was not conducted, you have the right to appeal this "No Records" determination, in writing, to the Office of the Judge Advocate General, OJAG Code 14, 1322 Patterson Avenue SE Suite 3000, Washington Navy Yard, DC 20374-5066.

Should you believe the submission of an appeal necessary, it must be received in that office within 90 calendar days from the date of this letter in order to be considered. Please attach a copy of this letter and the original request. Include a statement regarding why you believe this command may possess records responsive to your request. Please mark both the envelope and your appeal letter "FOIA/PA APPEAL."

No assessable FOIA fees were associated with the processing of your request. I am the official responsible for this

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"No Records" response regarding records maintained by this command. Should you wish to discuss this matter, you may contact the undersigned at (901) 874-3165.

You may also contact the DON FOIA Public Liaison, Christopher Julka, at Christopher.a.julka@navy.mil or at (703) 697-0031. In addition, the Office of Government Information Services (OGIS) provides a voluntary mediation process for resolving disputes between persons making FOIA requests and the Department of the Navy (DON). Their website is below:
<https://www.archives.gov/ogis/about-ogis/contact-information>.

Sincerely,

David German

D. P. GERMAN
FOIA/PA Officer
By direction